

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

IAN CHRISTOPHERSON,

Defendant-Petitioner.

Case No. 2:09-cr-00056-MMD-VCF
Related Case No. 2:15-cv-00704-MMD

ORDER

The Court previously denied the government's motion to waive the attorney-client privilege between Petitioner and his former counsel, Randall Roske, and the government's subsequent motion for reconsideration. (Dkt. nos. 209, 214.) The Court then found that because Petitioner raises claims of ineffective assistance of counsel where he faulted Mr. Roske for certain actions and inactions, he may very well have waived the attorney-client privilege with respect to communications with Mr. Roske that fall within the scope of these allegations. (Dkt. no. 214.) However, the Court found the scope of the government's waiver request to be too broad.

The government has filed a third motion for an order directing Mr. Roske to respond ("Motion"). (Dkt. no. 216.) In its Motion, the government identifies specific questions relating to the allegations that Petitioner relies upon to support his claims of ineffective assistance of counsel. The Court finds that the government has properly narrowed the scope of its waiver request and Petitioner has waived the attorney-client privilege with respect to the subject areas identified in the government's motion. However, Petitioner's waiver is limited to this habeas case. The Court will grant the government's motion.

1 It is therefore ordered that the government's Motion (dkt. no. 216) is granted. Mr.
2 Roske is directed to provide the government an affidavit answering the questions
3 presented in the government's Motion within forty-five (45) days. The government will
4 serve a copy on Petitioner within five (5) days from receipt of Mr. Roske's affidavit.

5 It is further ordered that the government has thirty (30) days from receipt of Mr.
6 Roske's affidavit to respond to Petitioner's motion to vacate.

7 DATED this 2nd day of December 2015.



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UNITED STATES DISTRICT JUDGE
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